

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

DALE WILSON	)	
	)	Case Number
Plaintiff	)	
	)	CIVIL COMPLAINT
vs.	)	
	)	
NCO FINANCIAL SYSTEMS, INC.	)	JURY TRIAL DEMANDED
and	)	
AIS SERVICES, LLC	)	
Defendant	)	

**COMPLAINT AND JURY DEMAND**

COMES NOW, Plaintiff, Dale Wilson, by and through his undersigned counsel, Bruce K. Warren, Esquire and Brent F. Vullings, Esquire of Warren & Vullings, LLP complaining of Defendants and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Dale Wilson, (hereinafter "Plaintiff"), is an adult natural person and brings this action for actual and statutory damages and other relief against Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

## **II. JURISDICTION**

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this district is proper in that Defendant, NCO Financial Systems, Inc. maintains a principal place of business here.

## **III. PARTIES**

4. Plaintiff, Dale Wilson is an adult natural person residing at 1971 Healey Road, Franklinville, NY 14737. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, NCO Financial Systems, Inc., at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the State of New York and the Commonwealth of Pennsylvania with its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant, AIS Services, LLC at all times relevant hereto, is and was a limited liability company engaged in the business of collecting debt with the State of New York and the Commonwealth of Pennsylvania with its principal place of business located at 8996 Miramar Road, Suite 220, San Diego, CA 92126.

7. Defendants are engaged in the collection of debts from consumers using the telephone and mail. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendants are “debt collector(s)” as defined by the FDCPA, 15 U.S.C. §1692a(6).

#### IV. FACTUAL ALLEGATIONS

8. At all times pertinent hereto, Defendant, NCO Financial Systems, Inc. was hired by Defendant, AIS Services, LLC to collect a debt relating to consumer credit card purchases that were allegedly originally owed to Spiegel.

9. On or about October 6, 2010 Plaintiff received an initial dunning notice from Defendant, NCO Financial Systems, Inc. See a copy of the letter appended hereto and marked **“EXHIBIT A”**.

10. Starting on or about October 11, 2010 Plaintiff has received an average of one (1) call per day from Defendant, NCO Financial Systems, Inc.

11. The debt Defendants are attempting to collect was discharged in a bankruptcy filed by Plaintiff well over ten (10) years ago.

12. The debt in question also falls well outside of the statute of limitations for the State of California, which is the state of the debt's origination.

13. Additionally, the amount of the debt Defendants are attempting to collect has increased over eight hundred percent (800%) from the true amount owed at the time of its discharge through bankruptcy.

14. Defendants acted in a false, deceptive, misleading and unfair manner by threatening to take action that it did not intend to take for the purpose of coercing Plaintiff to pay the debt.

15. Defendants knew or should have known that their actions violated the FDCPA. Additionally, Defendants could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

16. At all times pertinent hereto, Defendants were acting by and through their agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendants herein.

17. At all times pertinent hereto, the conduct of Defendants as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

**COUNT I – FDCPA**

18. The above paragraphs are hereby incorporated herein by reference.

19. At all times relevant hereto, Defendants were attempting to collect an alleged debt which was incurred by the Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

20. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of 15 U.S.C. § 1692:

§ 1692d: Any conduct that natural consequence of which is to harass,  
oppress or abuse any person

§ 1692e: Any other false, deceptive or misleading representation or  
means in connection with the debt collection

§ 1692e(2): Character, amount or legal status of the alleged debt

§ 1692e(10): Any false representation or deceptive means to collect a debt or obtain  
information about a consumer



§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

§ 1692f(1): Attempt to collect any amount not authorized by the agreement creating the debt or permitted by law

**WHEREFORE**, Plaintiff respectfully requests that this court enter judgment in his favor and against Defendants for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. §1692k;
- c. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k; and
- d. Such addition and further relief as may be appropriate or that the interests of justice require.

**V. JURY DEMAND**

Plaintiffs hereby demand a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: October 21, 2010**

**BY: /s/ Bruce K. Warren BKW4066**

Bruce K. Warren, Esquire

**BY: /s/ Brent F. Vullings BFV8435**

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